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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2010-242

11 **WILLIAM WAYNE WORTH**
12 **8026 Kittyhawk Ave.**
Los Angeles, CA 90045
13 **Registered Nurse License No. 287487**
14 **Nurse Practitioner Certificate No. 1770**
15 **Nurse Practitioner Furnishing Certificate**
No. 1770

ACCUSATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
22 Department of Consumer Affairs.

23 2. On or about March 31, 1978, the Board issued Registered Nurse License Number
24 287487 to William Wayne Worth (Respondent). The Registered Nurse License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on February 28,
26 2010, unless renewed.

1 3. On or about August 23, 1985, the Board issued Nurse Practitioner Certificate Number
2 1770 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times
3 relevant to the charges brought herein and will expire on February 28, 2010, unless renewed.

4 4. On or about March 26, 1996, the Board issued Nurse Practitioner Furnishing
5 Certificate Number 1770 to Respondent. The Nurse Practitioner Furnishing Certificate was in
6 full force and effect at all times relevant to the charges brought herein and will expire on February
7 28, 2010, unless renewed.

8 JURISDICTION

9 5. This Accusation is brought before the Board under the authority of the following
10 laws. All section references are to the Business and Professions Code (Code) unless otherwise
11 indicated.

12 STATUTORY PROVISIONS

13 6. Section 118, subdivision (b), of the Code provides that the
14 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
15 jurisdiction to proceed with a disciplinary action during the period within which the license may
16 be renewed, restored, reissued or reinstated.

17 7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
18 any licensee, including a licensee holding a temporary or an inactive license, for any reason
19 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

20 8. Section 2761 of the Code states in pertinent part:

21 "The board may take disciplinary action against a certified or licensed nurse . . . for any of
22 the following:

23 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

24 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
25 functions.

26

27 "(d) Violating . . . , directly or indirectly, . . . any provision or term of this chapter [the
28 Nursing Practice Act] or regulations adopted pursuant to it."

9. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

11. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the . . . failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

CAUSE FOR DISCIPLINE

(Incompetence and/or Gross Negligence)

12. Respondent is subject to disciplinary action under Code section 2671, subdivisions (a)(1) and (d) in that Respondent engaged in incompetence and/or gross negligence. The circumstances are as follows:

a. On or about May 12, 2003, at about 10:44 p.m., asthmatic patient S.M. was admitted to Lakewood Regional Medical Center's Emergency Room Fast Track, and treated solely by Respondent for a chief complaint of wheezing. Respondent diagnosed S.M. as having an acute asthma attack and bronchitis, and prescribed a variety of medications. Other than Respondent signing off on the Emergency Department Aftercare Instructions, there was no documentation by Respondent in the record after 10:45 p.m., and Respondent failed to document the patient's medical condition on discharge. Respondent also failed to re-assess the patient's medical condition prior to discharge, as indicated in the absence of documentation. Following the patient's discharge at about 12:40 a.m. on May 13, 2003, she was admitted at about 2:54 a.m. the

1 same day to the Long Beach Medical Center with acute respiratory failure and cardio-respiratory
2 arrest. The patient went into a coma.

3 b. Respondent's failure to properly document and failure to reevaluate prior to discharge
4 constitute incompetence and gross negligence.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board issue a decision:

8 1. Revoking or suspending Registered Nurse License Number RN 287487, issued to
9 Respondent William Worth;

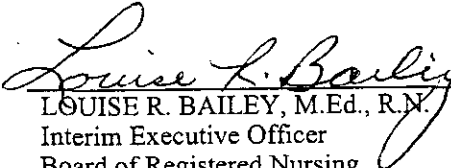
10 2. Revoking or suspending Nurse Practitioner Certificate Number 1770, issued to
11 Respondent;

12 3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 1770,
13 issued to Respondent;

14 4. Ordering Respondent to pay the Board the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Code section 125.3; and

16 5. Taking such other and further action as deemed necessary and proper.
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18

19 DATED: 11/3/09


LOUISE R. BAILEY, M.Ed., R.N.
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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